

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Lands – Medak District – Revision Petitions – Revision Petition filed by Sri R. Narayana Raju S/o Late Sri Laxmipathi Raju Jubilee Hills, Hyderabad against the Proceedings of MRO, Patancheru dated. 30-12-2005 in file No. B/4645/2005 and Proceedings of RDO, Sangareddy dated. 22-8-2007 in C.No. F1/552/2006 – Revision Petition Dismissed – Orders – Issued.

REVENUE (ASSN.IV) DEPARTMENT

G.O. Ms No. 1779

Dated: 15 -10-2011.
Read the following:-

1. Orders of Mandal Revenue Officer, Patancheru Proceedings No. B/4645/2005, dated. 30-12-2005.
2. R.P. Filed by Sri R. Narayana Raju S/o Late Sri Laxmipathi Raju Jubilee Hills, Hyderabad dated. 4-1-2006.
3. Govt. Memo. No. 1310/Assn.IV (1)/2006-1 dated. 7-2-2006.
4. Orders of Revenue Divisional Officer, Sangareddy Proceedings No. F1/552/2006 dated. 22-8-2007.
5. R.P. filed by Sri R. Narayana Raju S/o Late Sri Laxmipathi Raju Jubilee Hills, Hyderabad dated. 18-9 -2007.
6. Govt. Memo. No. 55233/Assn.IV(1)/07-2 dated. 13-10-2007.
7. From the Collector, Medak Letter No. E1/122/2007, dated. 8-2-2008
8. Govt. Memo. No. 55233/Assn.IV(1)/2007, dated. 15-3-2008.
9. From the Collector, Medak Letter No. E1/121/2007, dated.25-7-2008
10. Counsel for the Revision Petitioner Letter dated. 17-11-2008.
11. Govt. Memo No. 55231/Assn.IV (1)/2007 dated. 10-12-2009.
12. Govt. Memo. No. 55233/Assn.IV (1)/2007 dated. 6-2-2010.
13. From the Collector, Medak Letter No. E1/121/2007, dT.17-8-2010
14. From the Collector, Medak Letter No. E1/121/2007, dT.28-1-2011.
15. Govt. Memo. No. 55233/Assn.IV (1)/2007 dated. 16-6-2011.
16. Govt. Memo No. 55233/Assn.IV(1)/2007 dated. 21-9-2011.

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ORDER :

Whereas the MRO, Patancheru has noticed that encroachment was made in Sy No. 122 Shikam of Peddacheruvu, Peddakanjarla (V) by the Revision Petitioner to an extent of 5-00 acres. Accordingly, a Showcause notice was issued under section 7 of the A.P. Land Encroachment Act 1905 to Sri R. Narayana Raju S/o Late Sri Laxmipathi Raju Jubilee Hills, Hyderabad for eviction of the said encroachment through Ref No. B/4645/2005, dt.7.10.2005.

2. Whereas the MRO, Patancheru after examining the explanation furnished by the Revision Petitioner, has passed orders by issuing notice under section 6 of the A.P. Land Encroachment Act, 1905 through Ref.No. B/4645/05, dated. 30-12-2005 for resumption of the Govt land (shikam) bearing Sy No.122 to an extent of 5.00 acres of Peddakanjarla (V) directing Sri R. Narayana Raju S/o Late Sri Laxmipathi Raju Jubilee Hills, Hyderabad to vacate the land and to remove therefore any crop or other product raised on it.

3. Whereas, in the reference 2nd read above, Sri R. Narayana Raju S/o Late Sri Laxmipathi Raju Jubilee Hills, Hyderabad has filed a Revision Petition before the Government for stay of all further proceedings including eviction of land for the reasons indicated therein.

4. Whereas in the reference 3rd read above, the Govt have advised the Revision Petitioner to approach the next appellate authority i.e., RDO, Sangareddy, Medak District under Provisions of Section 10 of A.P. Land Encroachment Act, 1905. The Government also stayed the orders of MRO, Patancheru issued vide Rc.No.B/4645/05, dt.30.12.2005 till the finalization of the R.P. before the RDO, Sangareddy, Medak District and disposed off the said R.P.

5. Whereas in the reference 4th read above, the RDO, Sangareddy heard the case and observed that, the Dy. Inspector of Survey, Sangareddy after conducting the survey has reported that he fixed the boundaries of Sy No. 121 situated at Peddakanjarla (V) as per map and found that there is an encroachment of 17.00 acres of land by the side pattadars of Sy No. 121/1 in Sy No. 122 shikam land and an extent of 17.06 acres of patta land pertaining to Sy No. 121 is coming under tank bed of peddacheru and the pattadar is cultivating. Thus the Revision Petitioner is in encroachment of Govt. land in Sy No. 122 (Shikam of Peddacheru) in violation of Govt. instructions. Accordingly the RDO, Sangareddy dismissed the appeal and up held the orders of MRO dated. 30-12-2005 as the present Revision Petitioner has encroached the Govt land (shikam of Peddacheru). Thus the stay granted by the Government automatically stands cancelled.

6. whereas, in the reference 5th read above, Sri R. Narayana Raju S/o Late Sri Laxmipathi Raju Jubilee Hills, Hyderabad has again filed a Revision Petition in the Govt against the operation of orders of MRO, Patancheru, dt. 30-12-2005 and consequent orders of RDO, Sangareddy dated. 22-8-2007 in C.No. F1/552/2006. They among the other things, filed the following grounds in support of their claim:

- 1) The Petitioner has stated that he has purchased 10-00 acres of patta land in Sy No. 121 of Peddakanjarla (V) from the pattadars of Sri G. Veera Reddy and others through Registered Sale Deed bearing Document No. 2289/02 dt. 9-11-2002.
- 2) The Petitioner's Vendor name was also mutated in the revenue records and pattadar pass books and title deed were issued to him.
- 3) At this juncture, a vague notice without particulars and extents of alleged encroachments etc., was issued without specific allegations under section 7 of the Land Encroachment Act by the MRO, Patancheru. the said notice was not in accordance with the provisions of Act and Rules made there under therefore liable to be cancelled.
- 4) The MRO, Patancheru without giving an opportunity and without examining the explanation of the Revision Petitioner, passed resumption orders vide Progds No. B 4645/2005 dated. 30-12-2005 from the Revision Petitioner to an extent of 5-00 acres of his land under cultivation treating it as an encroachment of the Govt land and proposing to take possession of the same.
- 5) On the advice of the Govt, he filed a Revision Petition before the RDO, Sangareddy.
- 6) The RDO, Sangareddy has conducted the survey through Deputy Inspector of Survey, Sangareddy for both survey nos 121 patta land and 122 shikam land.
- 7) The Surveyor after survey report shown that an extent of Ac 17.06 gts of Sy No. 121 of the private land of the petitioner and other individuals is actually located in Sy No. 122 Peddacheru Shikam and similarly an extent of Ac 17.00 gts in Govt land of Sy No. 122 is actually located in Sy No. 121 is in possession of petitioner and other individuals. Thus, the private patta land of Sy No. 121 is found to be Govt land in Sy No. 122 and identical extent of Govt land of Sy No. 122 is actually found with the petitioner and other private individuals.
- 8) Thus, the RDO neither considered the said report of the Survey nor taken any steps for regularization of title and possession. Both the parties as private individuals and the Govt were under the bonafide impression of their respective possessions with that of other survey number.
- 9) The RDO unilaterally came to the conclusion that the petitioner is in encroachment of Govt land and dismissed the appeal.

- 10) The RDO ought to have appreciated earlier a detailed representation filed on 23-12-2006 was submitted by the Revision Petitioner before the Govt requesting to conduct joint survey and for regularization of the title and possession of the petitioner in the event of petitioner is found in possession of Govt land in lieu of his patta land said to have been in possession of the Govt, and further specifically informed that he is ready for exchange and for regularization of the title and respective possession of land by foregoing all his claims over his land which is under illegal occupation of the Govt.
- 11) The original survey No 121 which is patta land was admeasuring Ac 377-32 guntas and after declaring the portion of the land as surplus, the remaining land admeasuring Ac 216.07 gts was declared as patta land. Out of the said patta land only specified extents were purchased by the vendor of the petitioner and thereafter petitioner is the bonafide purchaser for a valuable consideration under the registered sale deeds and also got mutated his name in the revenue records. The revenue authorities also issued pattadar passbooks and title deeds with the approval of the RDO after verification and conducting enquiry under the statutory provisions. therefore the respondents are now estopped from issuing impugned resumption proceedings against the petitioner contrary to the earlier statutory proceedings.
- 12) The Revision Petitioner developed the land by spending huge amounts after purchasing it and fenced the same and doing agricultural operations and growing mango plantation.
- 13) The RDO ought to have appreciated that, the Sy No. 122 Govt land (Peddacheru tank) is abutting to the Sy No. 121 patta lands. in view of the proximity there was a mistake occurred in the survey conducted earlier and private land of the individuals of Sy No. 121 which is now coming as part of Govt survey no. 122 (Peddacheru shikam) Both the parties were under the impression that they are in the possession of their own land of their respective Sy Nos.
- 14) The RDO ought not to have branded the petitioner as an encroacher of the Govt land as the Govt itself was in the encroachment of equivalent extent of the petitioner patta land and the same may be a bonafide mistake occurred long ago.
- 15) He also stated that, the Govt without approaching the civil court for determination, declaration of their title and recovery of possession from the petitioner can not be allowed to use under Land Encroachment Act.
- 16) He further stated that, the RDO has not considered the detailed survey report in a proper manner in view of the peculiar circumstances on the ground and he might have referred the matter to Govt for regularization of title.
- 17) He has finally filed Revision Petition before the Govt under section 12-A of the Land Encroachment Act and urged to call for the records and set aside the Proceeding No. F1/552/2006 dated. 22-8-2007 of RDO, Sangareddy in confirming the orders of MRO, Patancheru in Proceeding No. B/4645/2005 dated. 30-12-2005 by allowing this Revision and allowing the petitioner to continue in possession of the land admeasuring 5.00 acres in Sy No. 122 Peddakanjerla (V) Patancheru (M) Medak and pass orders as deemed fit.

7. Whereas in the reference 6th read above, Govt have stayed the Proceedings of the MRO, Patancheru dated. 30-12-2005 and the consequent orders of RDO, Sangareddy dated. 22-8-2007 and called for remarks / records from the District Collector, Medak.

8. Whereas in the reference 7th read above, it has been reported that, the RDO, Sangareddy has enquired into the matter. As a part of enquiry, the Dy. Inspector of Survey, Sangareddy along with other surveyors has conducted survey in respect of Sy No. 121 and 122 as per the village map and the Deputy Inspector of Survey, Sangareddy has fixed the boundaries in respect of Sy No. 121 of Peddakanjarla (V) and as per the map it is found that there is an

encroachment of 17.00 acres of land by the side pattadars of Sy No. 121/1 in Sy No. 122 shikam land. As seen from the sketch map an extent of 17.00 acres of land in Sy No. 122 shikam is under the encroachment and an extent of 17.06 acres of land pertaining to Sy No. 121 is coming under tank bed of Peddacheru and the pattadar is cultivating in Sy No. 122 instead of 121 and the Sy No. 121 is coming under tank bed. Thus the Revision Petitioner is in encroachment of an extent of 9.00 acres of Govt land in Sy No. 122 (shikam peddacheru) of Peddakanjarla Village, Patancheru (M) and the land purchased by him in Sy No. 121 of Peddakanjarla Village is under tank bed of Peddacheru. It is also reported that, since it is a shikam land it can not be regularized.

9. whereas in the reference 13th read above, it is further reported that, the Tahsildar, Patancheru stated that originally Sy No. 121 is patta land at an extent of Ac 377.32 of Peddakanjarla Village. As per the provisions of A.P. Lands Reforms (Ceiling on Agriculture Holding) Act 1973, an extent of 161.25 acres of land was declared as surplus and taken over by the Government. The remaining land measuring 216.07 acres of land was declared as patta and pattadar has sold an extent of 28.19 acres to Sri G. Veera Reddy and others. In turn an extent of 10.00 acres of land in Sy No. 121 of Peddakanjarla (V) Patancheru (M) Medak District was purchased by the Revision Petitioner through Regd Sale Deed No. 2289/2002 dated. 9-11-2002.

10. Whereas the case was posted for hearing on 23-1-2010 and heard the case by the then Secretary Revenue. Written arguments have also been filed by the Revision Petitioner and reiterated the prayer made in the Revision Petition. It was decided to call for combined sketch of the Sy Nos 121 and 122 of Paddekanjarla (V) Patancheru (M) of the lands in question and accordingly in the reference 12th read above, detailed report has been called for further examination of the case.

11, whereas in the reference 14th read above, the combined sketch and detailed report has been received.

12. And whereas the Revision Authority heard the case on 7-7-2011. The Counsel for the Revision Petitioners has attended the hearing and argued the case and reiterated the grounds filed in the Revision Petition and has not filed any further written arguments.

13. And whereas Government, being the Revision Authority, after hearing the arguments of the Counsel of the Revision Petitioner and also after perusing the original records made available by the Collector, Medak also seen from the combined sketch of Peddacheru, have observed that as seen from the sketch map an extent of 17.00 acres of land in Sy No. 122 shikam is under the encroachment and an extent of 17.06 acres of patta land pertaining to Sy No. 121 is coming under tank bed of peddacheru and the pattadar is cultivating in Sy No. 122. It is clear that the Revision Petitioner is in encroachment of Shikam land which is violation of Government orders.

14. And whereas, after examining the report of the Collector, Medak and grounds filed by the Revision Petitioners and taking into account the fact that the Revision Petitioners have purchased the patta land through Registered Sale Deeds in Sy.No.121 of Peddakanjarla Village and they are under the encroachment of Shikam land, the Govt vide reference 16th read above have proposed to allot patta land in Sy No. 121 of Peddakanjarla village in exchange of the Shikam land in Sy No. 122 and the District Collector, Medak was requested to furnish necessary proposals to Government through Spl.CS & CCLA, Hyderabad, for allotment of (17-00) acres of Patta land in Sy No. 121 of Peddakanjarla Village in favour of the following three Revision Petitioners, in exchange of the Shikam land in Sy.No. 122 which is under their encroachment / occupation of Peddacheru of Peddakanjarla village of Medak District, on payment of market value, as a special case:

| Sl No | Present Revision Petitioner | Sy. No. | Extent of land encroached | Actual extent purchased as per sale deed |
|-------|---|---------|---------------------------|--|
| 1 | Sri R. Narayana Raju S/o Late Sri Laxmipathi Raju Jubilee Hills, Hyderabad | 122 | Ac 5-00 | Ac 10-00 |
| 2 | M/s Shirisha Memorial Charitable Trust represented by Sri A.S.N. Raju, S/o Sri A.V.S. Raju R/o Alluri Sitaramajupuram, Peddakanjerla (V), Patancheru (M), Medak | 122 | Ac 3-00 | Ac 9.19 |
| 3 | (Originally Arjun Raju) Sri AGK Raju S/o AVS Raju | 122 | Ac 9-00 | Ac 9-00 |
| | | Total | 17-00 acres | 28.19 acres |

15. In view of the above, there are no valid reasons to interfere with the Proceedings of MRO, Patancheru dated. 30-12-2005 in file No. B/4645/2005 and Proceedings of RDO, Sangareddy dated. 22-8-2007 in C.No. F1/552/2006 and accordingly hereby dismiss the Revision Petition filed by Sri R. Narayana Raju S/o Late Sri Laxmipathi Raju Jubilee Hills, Hyderabad in the reference 5th read above duly vacating the stay orders issued in the reference 6th read above.

16. The following records received through the reference cited are returned herewith and acknowledge the same:

i) Collector, Medak File No.C1/552/06 dated. 22-8-2007 CF 1-104 & NF 1-4

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH

ANIL CHANDRA PUNETHA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri R. Narayana Raju S/o Late Sri Laxmipathi Raju Jubilee Hills, Hyderabad
(Through Collector, Medak and he is requested to serve the orders
and furnish the served copies to the Govt.)

The District Collector, Medak.

Copy to:-

M/s V. Pratap Reddy Advocate, 209, Mithila Apartments, Himayat Nagar X Roads,
Hyderabad – 029. (Counsel for Petitioner)
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER